

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - W/S Berkshire Road, *
186' N of Elton Avenue * DEPUTY ZONING COMMISSIONER
(7612 Berkshire Road) *
12th Election District * OF BALTIMORE COUNTY
7th Councilmanic District *
Earl R. Hutchins, et ux * Case No. 96-467-SPHA
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 7612 Berkshire Road, located in the vicinity of North Point Boulevard in Dundalk. The Petition was filed by the owners of the property, Earl R. and Robert A. Hutchins. The Petitioners seek approval of an existing stone wall as a legal nonconforming use, pursuant to Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.), or, in the alternative, a variance from Section 102.5 to permit an existing stone wall, which is taller than 36 inches, to remain at the intersection of two alleys. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Earl and Roberta Hutchins, legal owners of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .064 acres, more or less, zoned D.R. 10.5 and is improved with a two-story brick end-of-group dwelling and an old stone wall which is the subject of this request. Apparently, a complaint was registered with the Department of Permits and Development Management (DPDM) as to the existence

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

of this wall and the Petitioners were advised to file the instant Petitions seeking alternative relief to legitimize these existing conditions. Testimony revealed that the subject property fronts on Berkshire Road, however a 15-foot alley runs down the side and rear property lines along which the old stone wall was built. This wall is approximately 36 inches high across the rear of the property, but is slightly higher towards the front of the property, given the topography of the land from the front of the property to the alley in the rear. Testimony indicated that this wall has existed on the property since 1940 and that there are other such retaining walls existing throughout this neighborhood. The Petitioners opined that it would be unreasonable to require removal of this wall, in light of the fact that it has existed on the property for many years without complaint. Furthermore, the Petitioners submitted photographs which show that the wall does not pose any visibility problems for traveling motorists using the alleys along the side and rear of their property. In support of their request, the Petitioners submitted the signed affidavit of Mr. Charles Fischer who has resided in the same block as the Petitioners since 1942. Mr. Fischer noted that the wall in question has existed on the subject property since the latter part of 1940 and that it has always been at its current height.

After due consideration of the testimony and evidence presented, it is clear that the subject wall has existed on the property since prior to the effective date of the zoning regulations and that a legal nonconforming use of same exists. Given the fact that the wall does not pose any traffic or safety hazards, and thus, is not detrimental to the health, safety or general welfare of the surrounding locale, I will grant the special hearing relief and dismiss the variance request as moot.

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Date

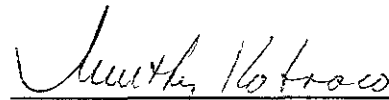
2/30/46

By

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special hearing shall be granted and the variance dismissed.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of July, 1996 that the Petition for Special Hearing seeking approval of an existing stone wall as a legal nonconforming use, pursuant to Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) and in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 102.5 to permit an existing stone wall, which is taller than 36 inches, to remain at the intersection of two alleys, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 7/30/96
BY [Signature]

RECEIVED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 30, 1996

Mr. & Mrs. Earl R. Hutchins
7612 Berkshire Road
Baltimore, Maryland 21224

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S Berkshire Road, 186' N of Elton Avenue
(7612 Berkshire Road)
12th Election District - 7th Councilmanic District
Earl R. Hutchins, et ux - Petitioners
Case No. 96-467-SPHA

Dear Mr. & Mrs. Hutchins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Variance dismissed as moot in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Linda Cunningham
c/o 402 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

✓ File

MICROFILMED





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7612 BERKSHIRE ROAD 21224

96-467-SPHA

which is presently zoned DR. 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the existence of a
STONE WALL AS A legal NON CONFORMING USE (Sec 102.5)

OR IN the alternative... (SEC 102.5)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

EARL R. HUTCHINS

(Type or Print Name)

Signature

ROBERTA A. HUTCHINS

(Type or Print Name)

Signature

7612 BERKSHIRE ROAD 282-4805

Address

Phone No.

BALTIMORE CO MD 21224

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

45 min

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE

23 May 96

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466

ORDER RECEIVED FOR FILING

Date

By





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-467-SHA

7612 BERKSHIRE ROAD 21224

which is presently zoned D.R. 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.5 TO ALLOW AN existing wall at the intersection of two alleys higher than 36" to REMAIN.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- (1) It would be an injustice to us since the wall has been in existence for about 50 years and before the code was written.
- (2) Since the wall is only a few inches over the maximum height of 36", we don't feel that it is an obstruction.
- (3) The stone wall would require heavy equipment to tear down and would be rather costly.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s).

EARL R. HUTCHINS

(Type or Print Name)

Earl R. Hutchins

Signature

ROBERTA A. HUTCHINS

(Type or Print Name)

Roberta A. Hutchins

Signature

7612 BERKSHIRE ROAD 282-4805

Address

Phone No.

BALTIMORE CO. MD 21224

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Printed with Soybean Ink
on Recycled Paper

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Date

By

466

ZONING/PROPERTY DESCRIPTION

96-467-5PHA

ZONING DESCRIPTION FOR 7612 BERKSHIRE ROAD
BALTIMORE, MD 21224

Beginning at a point on the west side of

Berkshire Road which is 50" wide at the

distance of 186" north of the centerline of

the nearest improved intersecting street,

Elton Avenue, which is 50" wide. Being

Lot #72, Block 13, Section # One in the

subdivision of Berkshire as recorded in

Baltimore County Plat Book # C.H.K 13,

Folio # 32, containing 2800 sq. ft.

Also known as 7612 Berkshire Road Baltimore

and located in the 12th Election District,

and 7th Councilmanic District.

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
96-H67-SRHA

District *1st* Date of Posting *6/8/96*

Posted for: *Special Hooring & Monitors*

Petitioner: *Earl & Robert Hatching*

Location of property: *2612 S. Redshire Rd. 10/5*

Location of Sign: *Facing roadway on property being rezoned*

Remarks: _____

Posted by *M. H. Hatching* Date of return: *6/14/96*
Signature

Number of Signs: *1*

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118 Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-467-SPHA
(Item 466)

7612 Berkshire Road
W/S Berkshire Road, 186' N of
Elton Avenue

12th Election District

7th Councilmanic

Legal Owner(s):

Earl R. Hutchins and Roberta
A. Hutchins

Special Hearing: to approve
the existence of a stone wall as
a legal non-conforming use.

Variance: to allow an existing
wall at the intersection of two
alleys higher than 36" to re-
main.

Hearing: Friday, June 28, 1996
at 10:00 a.m. in Rm. 106,
County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3391.

6/034 June 6

057329

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/6, 1996.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD. - TOWSON

AMERICAN

No. 1335

466
96-467-5PHA AMOUNT \$ 17 000

FOR: R.V. and SPH M.C. and M.C.

7612 Borkston

DISTRIBUTION **VALIDATION OR SIGNATURE OF CASHIER**
WHITE - CASHIER **PINK - AGENCY** **YELLOW - CUSTOMER**

96-467-SPHA



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 466 Petitioner: Earl & Roberta Hutchins

Location: 7612 Berkshire Road Baltimore, MD 21224

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Earl & Roberta Hutchins

ADDRESS: 7612 Berkshire Road

Baltimore, MD 21224

PHONE NUMBER: (410)282-4805



APR 27 1999

TO: PUTUXENT PUBLISHING COMPANY
June 6, 1996 Issue - Jeffersonian

Please forward billing to:

Earl and Roberta Hutchins
7612 Berkshire Road
Baltimore, MD 21224
282-4805

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-467-SPHA (Item 466)
7612 Berkshire Road
W/S Berkshire Road, 186' N of Elton Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Earl R. Hutchins and Roberta A. Hutchins

Special Hearing to approve the existence of a stone wall as a legal non-conforming use.
Variance to allow an existing wall at the intersection of two alleys higher than 36" to remain.

HEARING: FRIDAY, JUNE 28, 1996 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-467-SPHA (Item 466)
7612 Berkshire Road
W/S Berkshire Road, 186' N of Elton Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Earl R. Hutchins and Roberta A. Hutchins

Special Hearing to approve the existance of a stone wall as a legal non-conforming use.
Variance to allow an existing wall at the intersection of two alleys higher than 36" to remain.

HEARING: FRIDAY, JUNE 28, 1996 at 10:00 a.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Earl and Roberta Hutchins

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 21, 1996

Earl and Roberta Hutchins
7612 Berkshire Road
Baltimore, MD 21224

RE: Item No.: 466
Case No.: 96-67-SPHA
Petitioner: Earl Hutchins, et ux

Dear Mr. and Mrs. Hutchins:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 23, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: June 10, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for June 10, 1996
 Item No. 466

 The Development Plans Review Division has reviewed the subject
zoning item. This wall cannot interfere with the clear line of sight.

RWB:HJO:jrb

cc: File

ZONE12E

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: June 11, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 458, 460, 462, 463, 464, 465, 466, 468 and 470

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 03, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 460, 462, 463, 464, 465, 466,
468, 469 AND 470.

- 5 1996

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECORDED



Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-4-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 466 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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PETITION PROBLEMS

#461 --- MJK

1. No telephone number for legal owner.

#462 --- JLL

1. No review information on bottom of petition form.

#463 --- MJK

1. Undersized lot information not in folder (only 1 copy of form).

#464 --- JRF

1. No zoning on folder.
2. No acreage on folder.
3. No election district on folder.
4. No councilmanic district on folder.
5. Old petition form was used - no address or zoning on form.

#466 --- CAM

1. No review information on bottom of variance petition.
2. Wording on special hearing petition is incomplete.

#467 --- JJS

1. No review information on bottom of petition form.
2. Petition says zoning is "BR"; folder says zoning is "BR-CSA & BR-CCC".

#470 --- CAM

1. No review information on bottom of petition form.
2. No item number on petition form.

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Code

Enforcement

Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator

June 5, 1996

FROM: James H. Thompson -LJW
Zoning Enforcement Coordinator

RE: Item No. 466


VIOLATION CASE # C-96-4149
LOCATION OF VIOLATION 7612 Berkshire Rd
DEFENDANT ROBERTA A. HUTCHINS
ADDRESS SAME

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

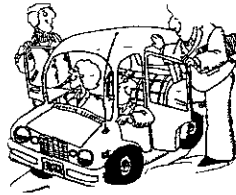
* LINDA CONNINGHAM
402 W. PENN AVE. 21204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

* Copy of Notice of Hearing mailed 6/6/96. 

RECEIVED

ELDERMORE COUNTY
KIDSHARE OFFICE
401 BOSLEY AVENUE, #405
TOWSON, MD 21204
(410) 887-3554
FAX (410) 887-5784



H.O.

The SPH is
NOT incomplete

Read SPH First

(that why intake info
is on the bottom - and variances
are usually listed ~~first~~ second

Hence the SPHA notation
on case #) and it makes sense.
rate

Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: 7618 BERKSHIRE ROAD

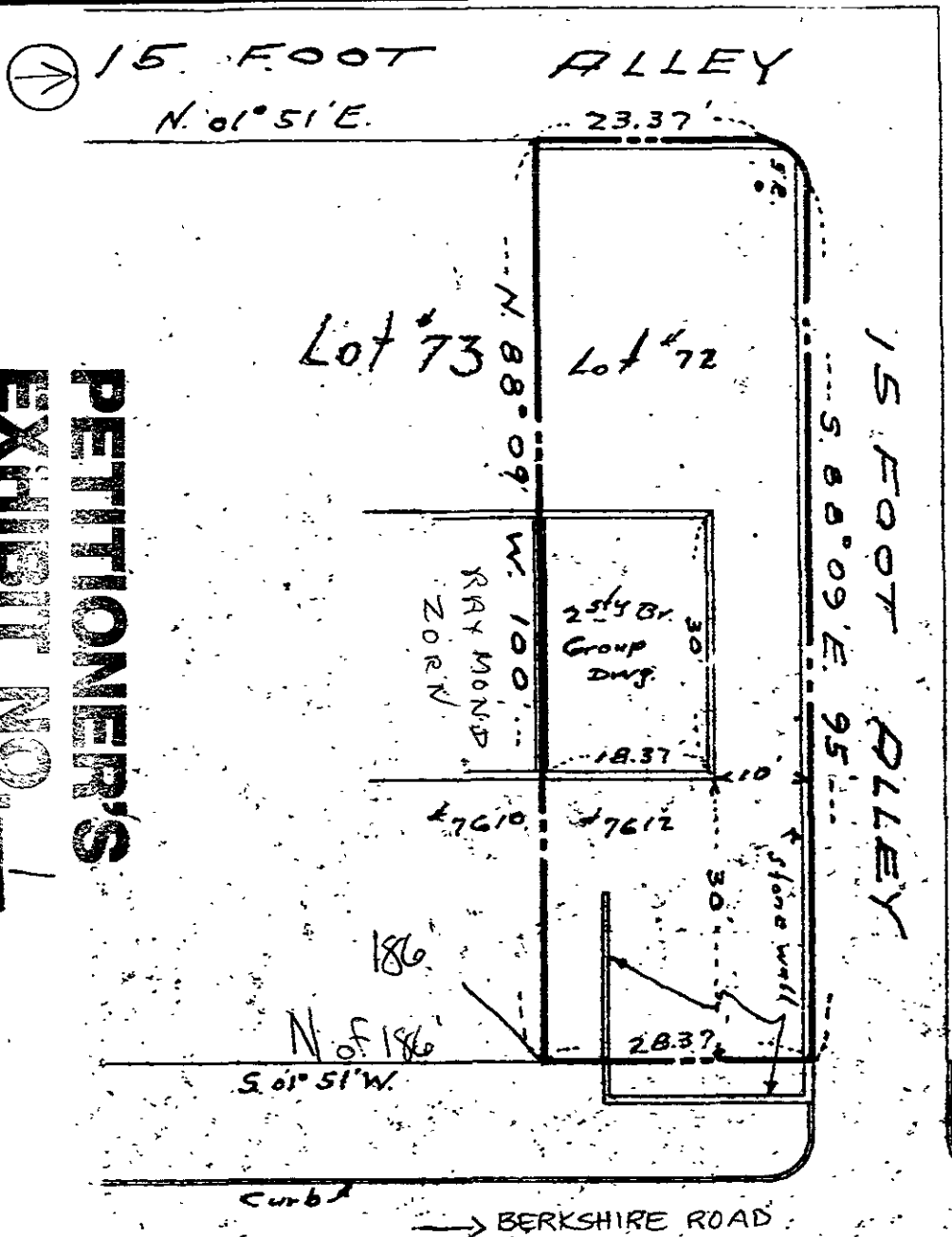
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BERKSHIRE

plat book # CHK3, folio # 32, lot # 72, section # ONE

OWNER: EARL & ROBERTA HUTCHINS

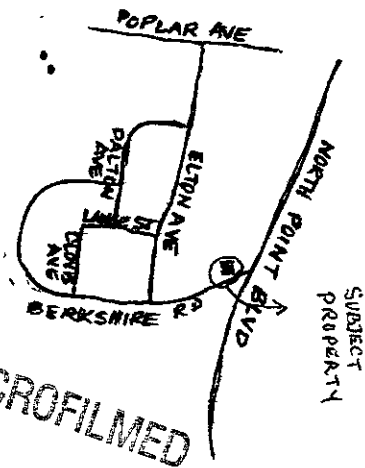
96-467-SFHA



**PETITIONER'S
EXHIBIT NO. 1**

North
date: 5/22/96
prepared by: OWNER

Scale of Drawing: 1" = 20'



Vicinity Map
North
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 12
Councilmanic District: 7

1" = 200' scale map #: SE-1F

Zoning: D.R. 10.5

Lot size: .064 2800
acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ yes ☐ no
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE #:

466

MICROFILMED

AFFIDAVIT

1. I, Charles Fischer, am over 18 years old and am competent to testify.
2. I reside at 7604 Berkshire Road, Baltimore, Maryland 21224. My row house is in the same block as 7612 Berkshire Road.
3. I purchased my home in 1942, and have lived there since that year.
4. I know the current owners of 7612 Berkshire Road, who have resided at that address since the late 1960's.
5. I remember that the stone wall surrounding the house at 7612 Berkshire Road was built during the late 1940, and that it has always been at its current height.

I SOLEMNLY AFFIRM under the penalty of perjury that the contents of the foregoing Affidavit are true to the best of my knowledge, information, and belief.

4-25-1996
Date

Charles Fischer
Charles Fischer
7604 Berkshire Road
Baltimore, MD 21224

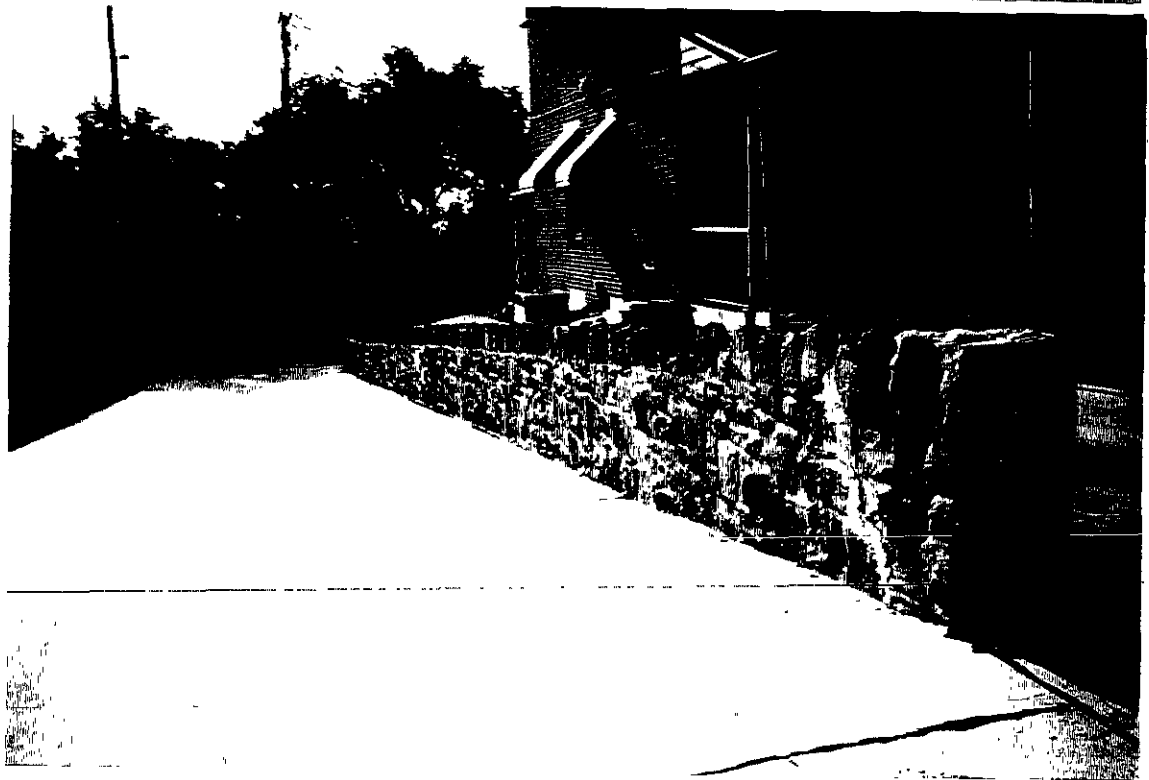
MICROFILMED

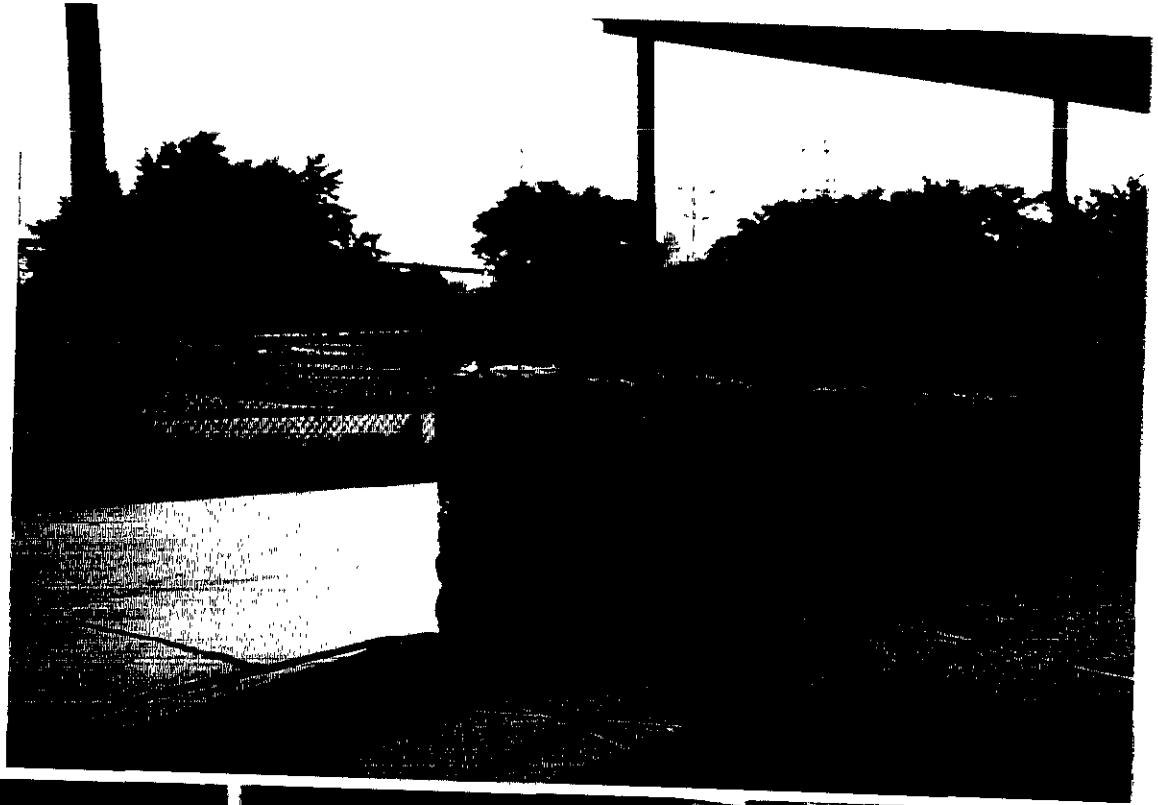
**PETITIONER'S
EXHIBIT NO. 2**

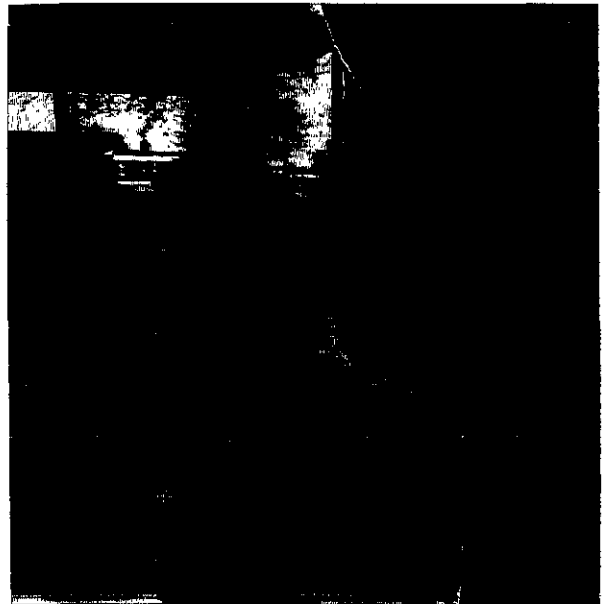
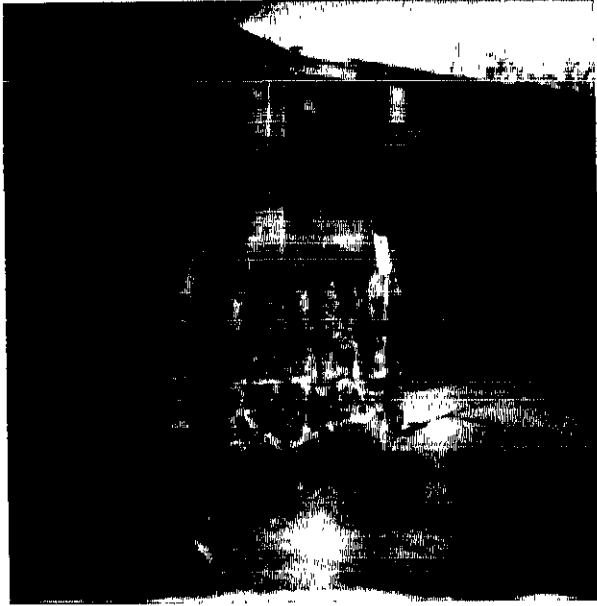
photograph
Case 96-467-SPNA

MICROFILMED









IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - W/S Berkshire Road, * DEPUTY ZONING COMMISSIONER
186" N of Elton Avenue *
(7612 Berkshire Road) * OF BALTIMORE COUNTY
12th Election District *
7th Councilmanic District * Case No. 96-467-SPHA
Earl R. Hutchins, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 7612 Berkshire Road, located in the vicinity of North Point Boulevard in Dundalk. The Petition was filed by the owners of the property, Earl R. and Robert A. Hutchins. The Petitioners seek approval of an existing stone wall as a legal nonconforming use, pursuant to Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.), or, in the alternative, a variance from Section 102.5 to permit an existing stone wall, which is taller than 36 inches, to remain at the intersection of two alleys. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Earl and Roberta Hutchins, legal owners of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .064 acres, more or less, zoned D.R. 10.5 and is improved with a two-story brick end-of-group dwelling and an old stone wall which is the subject of this request. Apparently, a complaint was registered with the Department of Permits and Development Management (DPDM) as to the existence

of this wall and the Petitioners were advised to file the instant Petitions seeking alternative relief to legitimize these existing conditions. Testimony revealed that the subject property fronts on Berkshire Road, however a 15-foot alley runs down the side and rear property lines along which the old stone wall was built. This wall is approximately 36 inches high across the rear of the property, but is slightly higher towards the front of the property, given the topography of the land from the front of the property to the alley in the rear. Testimony indicated that this wall has existed on the property since 1940 and that there are other such retaining walls existing throughout this neighborhood. The Petitioners opined that it would be unreasonable to require removal of this wall, in light of the fact that it has existed on the property for many years without complaint. Furthermore, the Petitioners submitted photographs which show that the wall does not pose any visibility problems for traveling motorists using the alleys along the side and rear of their property. In support of their request, the Petitioners submitted the signed affidavit of Mr. Charles Fischer who has resided in the same block as the Petitioners since 1942. Mr. Fischer noted that the wall in question has existed on the subject property since the latter part of 1940 and that it has always been at its current height.

After due consideration of the testimony and evidence presented, it is clear that the subject wall has existed on the property since prior to the effective date of the zoning regulations and that a legal nonconforming use of same exists. Given the fact that the wall does not pose any traffic or safety hazards, and thus, is not detrimental to the health, safety or general welfare of the surrounding locale, I will grant the special hearing relief and dismiss the variance request as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special hearing shall be granted and the variance dismissed.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of July, 1996 that the Petition for Special Hearing seeking approval of an existing stone wall as a legal nonconforming use, pursuant to Section 102.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) and in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 102.5 to permit an existing stone wall, which is taller than 36 inches, to remain at the intersection of two alleys, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED AS MOOT.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 30, 1996

(410) 887-4386

Mr. & Mrs. Earl R. Hutchins
7612 Berkshire Road
Baltimore, Maryland 21224

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S Berkshire Road, 186" N of Elton Avenue
(7612 Berkshire Road)
12th Election District - 7th Councilmanic District
Earl R. Hutchins, et ux - Petitioners
Case No. 96-467-SPHA

Dear Mr. & Mrs. Hutchins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the Petition for Variance dismissed as moot in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Linda Cunningham
c/o 402 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 7/31/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/31/96
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/31/96
By [Signature]

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 7612 BERKSHIRE ROAD 21224
which is presently zoned DR 10.5
96-467-SPHA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the existence of a STONE WALL AS A LEGAL NON CONFORMING USE (Sec 102.5)

OR IN THE ALTERNATIVE... (Sec 102.5)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

EARL R. HUTCHINS
(Type or Print Name)

[Signature]
Signature

ROBERTA A. HUTCHINS
(Type or Print Name)

[Signature]
Signature

7612 BERKSHIRE ROAD 282-4905
Address

BALTIMORE CO MD 21224
City State Zipcode

Name, Address and phone number of representative to be contacted

ESTIMATED LENGTH OF HEARING: 45 MIN

the following date: Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY: CRH DATE: 23 Aug 96

ORDER RECEIVED FOR FILING
Date 7/31/96
By [Signature]

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 7612 BERKSHIRE ROAD 21224
which is presently zoned DR 10.5
96-467-SPHA

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 102.5 TO ALLOW AN EXISTING WALL AT THE INTERSECTION OF TWO ALLEYS HIGHER THAN 36" TO REMAIN.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

- (1) It would be an injustice to us since the wall has been in existence for about 50 years and before the code was written.
- (2) Since the wall is only a few inches over the maximum height of 36", we don't feel that it is an obstruction.
- (3) The stone wall would require heavy equipment to tear down and would be rather costly.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

EARL R. HUTCHINS
(Type or Print Name)

[Signature]
Signature

ROBERTA A. HUTCHINS
(Type or Print Name)

[Signature]
Signature

7612 BERKSHIRE ROAD 282-4905
Address

BALTIMORE CO MD 21224
City State Zipcode

Name, Address and phone number of representative to be contacted

ESTIMATED LENGTH OF HEARING: 45 MIN

the following date: Next Two Months

ALL ☒ OTHER ☐

REVIEWED BY: CRH DATE: 23 Aug 96

ORDER RECEIVED FOR FILING
Date 7/31/96
By [Signature]

ZONING/PROPERTY DESCRIPTION 96-467-SPHA

ZONING DESCRIPTION FOR 7612 BERKSHIRE ROAD
BALTIMORE, MD 21224

Beginning at a point on the west side of
Berkshire Road which is 50' wide at the
distance of 186' north of the centerline of
the nearest improved intersecting street,
Elton Avenue, which is 50' wide. Being
Lot #72, Block 13, Section # One in the
subdivision of Berkshire as recorded in
Baltimore County Plat Book # C.H.K 13,
Folio # 32, containing 2800 sq. ft.
Also known as 7612 Berkshire Road Baltimore
and located in the 12th Election District,
and 7th Councilmanic District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 10th Date of Posting: 6/19/96
Posted for: Special Hearing & Variance
Petitioner: Earl & Roberta Hutchins
Location of property: 7612 Berkshire Rd. #45
Location of Sign: Along roadway on property being zoned
Remarks: None
Posted by: [Signature] Date of return: 6/19/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/6, 1996.

THE JEFFERSONIAN,

A. Hemmerson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property, identified below, in Room 105 of the County Office Building, 111 W. Chase Avenue, Baltimore, MD 21204, on Thursday, August 22, 1996, at 10:00 A.M. The Commission will hear the following: Case 96-467-SPHA (Sec 403) 2122 Berkshire Road 7612 Berkshire Road, 186" N of Elton Avenue 12th Election District 7th Councilmanic District A Hearing Special Hearing to approve a variance from the Zoning Regulations to allow an existing wall at the intersection of two alleys higher than 36" to remain on the property. Hearing: Friday, August 23, 1996 at 10:00 A.M. in Room 105, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
B.C.Z.R. 102.5 Hearings are held on Wednesdays, 10:00 A.M. in Room 105, County Office Building.
For information concerning the Zoning Act and Regulations, please call 887-3391.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 018905

DATE: 6/1/96 ACCOUNT: 466-501-100

96-467-SPHA AMOUNT \$ 17.00

RECEIVED FROM: [Signature]

FOR: 7612 Berkshire Road

VALIDATION OR SIGNATURE OF CASHIER: 96-467-SPHA

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 466 Petitioner: Earl & Roberta Hutchins

Location: 7612 Berkshire Road Baltimore, MD 21224

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Earl & Roberta Hutchins

ADDRESS: 7612 Berkshire Road
Baltimore, MD 21224

PHONE NUMBER: (410)282-4805

TO: PULPOT PUBLISHING COMPANY
June 8, 1996 Issue - Jeffersonian

Please forward billing to:

Earl and Roberta Hutchins
7612 Berkshire Road
Baltimore, MD 21224
282-4805

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-467-SPHA (Item 466)
7612 Berkshire Road
4/5 Berkshire Road, 186' N of Elton Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Earl R. Hutchins and Roberta A. Hutchins

Special Hearing to approve the existence of a stone wall as a legal non-conforming use.
Variance to allow an existing wall at the intersection of two alleys higher than 30" to remain.

HEARING: FRIDAY, JUNE 28, 1996 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-467-SPHA (Item 466)
7612 Berkshire Road
4/5 Berkshire Road, 186' N of Elton Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): Earl R. Hutchins and Roberta A. Hutchins

Special Hearing to approve the existence of a stone wall as a legal non-conforming use.
Variance to allow an existing wall at the intersection of two alleys higher than 30" to remain.

HEARING: FRIDAY, JUNE 28, 1996 at 10:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Earl and Roberta Hutchins

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 21, 1996

Earl and Roberta Hutchins
7612 Berkshire Road
Baltimore, MD 21224

RE: Item No.: 466
Case No.: 96-67-SPHA
Petitioner: Earl Hutchins, et ux

Dear Mr. and Mrs. Hutchins:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 23, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

FROM: Robert W. Dowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 10, 1996
Item No. 466

Date: June 10, 1996

The Development Plans Review Division has reviewed the subject zoning item. This will not interfere with the clear line of sight.

RWB:HDO:jrb

cc: File

ZONE122

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

DATE: June 11, 1996

The Office of Planning has no comments on the following petition(s):
Item No. 458, 460, 462, 463, 464, 465, 466, 468 and 470

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Carolyn L. Kenna

PK/JL

ITEM458/PZONE/TXTJWL

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING OF JUNE 03, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 460, 462, 463, 464, 465, 466, 468, 469 AND 470.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File
Printed with Soybean Ink
on Recycled Paper

96-467-56HA

